

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-5098

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LEWIS MURDOCK,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CR-02-225)

Submitted: June 21, 2006

Decided: July 7, 2006

Before MICHAEL, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, Eric D. Placke, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Harry L. Hobgood, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Lewis Murdock appeals the revocation of his supervised release and resulting twelve-month prison term. Finding no error, we affirm.

Counsel for Murdock has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he states there are no meritorious grounds for appeal, but presents for this court's review the issue of the propriety of Murdock's prison sentence. Although notified of his right to file a pro se supplemental brief, Murdock has not done so.

Murdock admitted the substance of the conduct that violated the terms of his supervised release, so there was an adequate basis for revocation. The court considered the statutory maximum, the advisory guideline range, and Murdock's history of violations, and imposed a sentence of twelve months, at the top of the advisory range. We have reviewed the record and the parties' briefs and find no reversible error in Murdock's sentence.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm the revocation of Murdock's supervised release and the resulting term of imprisonment. This court requires that counsel inform Murdock, in writing, of the right to petition the Supreme Court of the United States for further review. If Murdock requests that a petition be filed, but counsel believes

that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Murdock.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED